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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,795	12/31/2003	Bruce A. Willins	022.0005 (1605)	5373

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SCOTTSDALE, AZ 85253

EXAMINER
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SHAAWAT, MUSSA A

ART UNIT	PAPER NUMBER
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3627

NOTIFICATION DATE	DELIVERY MODE
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04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,795	<b>Applicant(s)</b> WILLINS, BRUCE A.	
	<b>Examiner</b> MUSSA A. SHAAWAT	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 33-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/3/08, 6/29/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to election/restriction response filed on 02/06/2009 in which applicant elected group II (claims 27-32 without traverse). Claims 1-26 and 33-37 were not elected by the applicant and are considered to be withdrawn by the examiner. Claims 27-32 are pending examination..

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 27-28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lubow US Patent No. (7,322,514) referred to hereinafter as Lubow.**

As per claim 27, Lubow teaches an RFID reader for communicating with a plurality of items stored in a container, wherein each of the plurality of items and the container are associated with one of a plurality of RFID tags each having an RFID identifier, the RFID reader comprising: a transceiver configured to communicate with the plurality of RFID tags (see at least col. 2 lines 55-67); and a processor operatively configured to communicate with the transceiver to obtain RFID identifiers from each of the RFID tags associated with the plurality of items (see at least col. 2 lines 55-67), to compute a data structure as a function of each of the RFID identifiers associated with

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the plurality of items, and to transmit the data structure to the RFID tag associated with the container via the transceiver for storage at the container (see at least col. 2 lines 55-67).

As per claim 28, Lubow teaches an RFID reader of claim 27 wherein the processor is further configured to digitally sign the data structure prior to transmitting the data structure to the RFID tag associated with the container (see at least col. 2 lines 55-67).

As per claim 31, Lubow teaches an RFID reader of claim 27 wherein the RFID reader is a handheld reader (see at least col. 1 lines 55-60).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 29-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubow in view of Brook et al., US Patent No. (6,170,746) referred to hereinafter as Brook.**

As per claims 29-30, Lubow teaches an RFID reader obtains multiple readings of a label or tag and does the comparison (see at least col. 2 lines 25-33 and col. 4 lines 49-57). Lubow does not expressly teach network interface configured to communicate with a central server, and wherein the processor is further configured to transmit and or retrieve the data structure to the central server via the network interface. However

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Brook teaches a network interface configured to communicate with a central server, and wherein the processor is further configured to transmit and or retrieve the data structure to the central server via the network interface (see at least col.5 lines 55-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Brook into the disclosure of Lubow in order to make the RFID reader more user friendly and convenient for the user.

As per claim 32, Lubow in view of Brook do not expressly teach wherein the RFID reader is associated with a portal. However the examiner takes Official Notice that associating a portal with an RFID reader is old and well known in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure of Lubow in view of Brook to include a portal in order to more easily track incoming and outgoing inventory.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/  
Examiner, Art Unit 3627  
March 24, 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627